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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,358	04/01/2004	Carl H. Schulman	8824-100/US	8273
36412 75	90 07/28/2006		EXAMINER	
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400			TRAN, HANH VAN	
	CA 92101-7915		ART UNIT	PAPER NUMBER
,			3637	
			DATE MAILED: 07/28/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)		
Office Action Summer:	10/815,358	SCHULMAN, CARL H.		
Office Action Summary	Examiner	Art Unit		
	Hanh V. Tran	3637		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
<ul> <li>1) Responsive to communication(s) filed on <u>01 Ag</u></li> <li>2a) This action is FINAL. 2b) This</li> <li>3) Since this application is in condition for allowar closed in accordance with the practice under E</li> </ul>	action is non-final. nce except for formal matters, pro			
Disposition of Claims				
4)  Claim(s) 1-34 is/are pending in the application. 4a) Of the above claim(s) is/are withdrav 5)  Claim(s) is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) 1-34 are subject to restriction and/or expressions.	vn from consideration.			
Application Papers				
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the original transfer of the second	epted or b) objected to by the liderawing(s) be held in abeyance. See ion is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119	,			
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>				
Attachment(s)  1)  Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)		
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da			

Application/Control Number: 10/815,358

Art Unit: 3637

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species: (A) <u>Desk construction</u>: 1) Species I comprises figures 1-7, 2) Species II comprises figures 8-9; (B) <u>Support assembly/apparatus</u>: 1) Species I comprises figures 1-9, 2) Species II comprises figures 10-13, 3) Species III comprises figures 14-19, 4) Species IV comprises figures 20, and 5) Species V comprises figures 21-24. The species are independent or distinct because the field of search for one is not required for the others.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of a Desk construction and a single disclosed species of the Support assembly/apparatus for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. A telephone call was made to Mr. Bernard Kleinke on Monday, July 24, 2006 to notify applicant's representative to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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## Conclusion

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT

July 24, 2006

Hanh V. Tran Art Unit 3637